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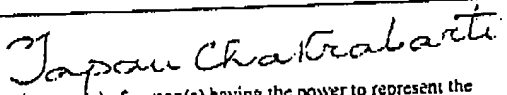
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MTCC

**BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE**

INTERNATIONAL FORM

<p>To Dr. T.C. Bora Biochemistry Division Regional Research Laboratory Jorhat - 785 006</p> <p>NAME AND ADDRESS OF THE DEPOSITOR</p>	<p>RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITARY AUTHORITY Identified at the bottom of this page</p>
<p>I. IDENTIFICATION OF THE MICROORGANISM</p>	
Identification reference given by the DEPOSITOR: Streptomyces sp. 201	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: MTCC 5105
<p>II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION</p>	
The microorganism identified under I above was accompanied by:	
(X) a scientific description	
(X) a proposed taxonomic designation	
(Mark with a cross where applicable)	
<p>III. RECEIPT AND ACCEPTANCE</p>	
This International Depositary Authority accepts the microorganism identified under I above, which was received by it on <u>20.06.2003</u> (date of the original deposit) ¹	
<p>IV. RECEIPT OF REQUEST FOR CONVERSION</p>	
The microorganism identified under I above was received by this International Depositary Authority on _____ (date of the original deposit) and a request to convert the original deposit under the Budapest Treaty was received by it on _____ (date of receipt of request for conversion)	
<p>V. INTERNATIONAL DEPOSITARY AUTHORITY</p>	
Name: Dr. Tapan Chakrabarti	
Address: Microbial Type Culture Collection & Gene Bank Institute of Microbial Technology Sector 39-A, Chandigarh - 160 036 India	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s): Date: 16-7-03

¹ Where Rule 6.4(d) applies, such date is the date on which the status of International Depositary Authority was acquired

Express Mail Label No. Dated: _____

Docket No.: 03108/000K 142-USO
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Gojendra Nath Bordoloi et al.

Application No.: 10/027,913

Art Unit : 1651

Filed on: December 20, 2001

Examiner: Irene Marx

For: 2-METHYLHEPTYLISONICOTINATE AND
PROCESS FOR PRODUCTION THEREOF

DECLARATION OF ASSIGNEE UNDER 37 C.F.R. 1.808

I, **R. K. GUPTA**, do hereby declare and state as follows:

1. I am the **Head – Intellectual Property Management Division** of The Council of Scientific and Industrial Research, the assignee of the above-identified patent application.
2. The organism described in the above-identified patent application, *Streptomyces* sp. 201 has been deposited in the Microbial Type Culture Collection & Gene Bank under the terms of the Budapest Treaty and assigned the accession No. MTCC 5105.
3. During the pendency of the present application access to organism MTCC 5105 will be afforded to the Commissioner of Patents and Trademarks, United States Patent and Trademark Office, upon request.
4. Upon granting of a patent from the present application, all restrictions upon availability of organism MTCC 5105 to the public will be irrevocably removed.

Appln. Serial No. 10/027,913
Declaration Accompanying Deposit

5. The deposit of organism MTCC 5105 will be maintained for a period of 30 years or 5 years after the last request for the organism or for the enforceable life of a patent which issues off the present application, whichever is longer.

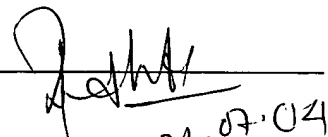
6. A test for the viability of organism MTCC 5105 was made at the time of deposit and the organism was found to be viable.

7. If the deposited organism MTCC 5105 ever becomes inviable within the period of time set forth in paragraph 5 of this declaration, the deposit will be replaced with a viable deposit.

8. I declare that all statements made herein are based on personal knowledge or upon information and belief and are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Date: 21/7/04.

Signature



NAME

R. K. Gupta

Title

वैज्ञानिक एवं प्रमुख/Scientist & Head
आई.पी.एम.डी. (सी.एस.आई.आर.) M.P.M.D. (C.S.I.R.)
14, सत्संग बिहार मार्ग/14, Satsang Vihar Marg
नई दिल्ली-110067/New Delhi-110067

EXPRESS MAIL CERTIFICATE

PLEASE CHARGE ANY DEFICIENCY UP TO
\$300.00 OR CREDIT ANY EXCESS IN THE
FEES DUE WITH THIS DOCUMENT TO OUR
DEPOSIT ACCOUNT NO. 04-0100

Date: _____ Label No.: _____

I hereby certify that, on the date indicated
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Addressed for delivery to the Commissioner
Of Patents, PO Box 1450, Alexandria,
VA 22313-1450 by "Express Mail Post Office
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Signature

Customer No.: 07278

Docket No.: 02427/100G772-US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Bordoloi et al.

Serial No.: 10/027,913

Group Art Unit: 1651

Confirmation No.: 9063

Examiner: Irene Marx

Filed: 12/20/2001 (2/27/2001)

For: 2-METHYLHEPTYLISONICOTINATE AND PROCESS
FOR PRODUCTION THEREOF

**DECLARATION OF GOJENDRA NATH BORDOLOI UNDER 37 C.F.R. 1.132
AND IN ACCORDANCE WITH IN RE KATZ**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir,

I, Gojendra Nath BORDOLOI, do hereby declare and state as follows:

1. I am a citizen of India and am more than twenty-one years of age.
2. I am one of the inventors in the above-identified patent application, and make the following averments on behalf of myself and my co-inventors; Babita Kumari, Manobjyoti Bordoloi, Monoj Kanti Roy and Tarun Chandra Bora.
3. I have read and am familiar with the instant application as it was filed in the U.S. Patent and Trademark Office (the "USPTO"), the pending claims of the application, and the Office Action mailed by the USPTO on January 30, 2004 in connection with that application.

Serial No.: 10/027,913
Group Art Unit: 1651

4. Babita Kumari, Arijit Guha, Monojbjyoti Bordoloi, RNS Yadav, Monoj K. Roy, Tarun C. Bora, and myself are also co-authors of the article entitled "Isolation and Structure Elucidation of a New Antifungal and Antibacterial Antibiotic produced by *Streptomyces* sp. 201" published in Biosci, Biotechnol. Biochem., Volume 65, Issue 8, pp. 1856-1858 (herein after "Bordoloi et al."). Upon information and belief, this article was published in August 2001, i.e., less than one year prior to the filing date of the present application.
5. I understand that the publication listed in ¶4 (Bordoloi et al.) was relied upon in the above-mentioned Office Action to reject claims 1 and 2 of the application under 35 U.S.C. 102(a). The present declaration is submitted to describe the contribution of the authors of the publication listed in ¶4.
6. Co-authors Babita Kumari, Monojbjyoti Bordoloi, Monoj Kanti Roy, Tarun Chandra Bora, and myself provided intellectual input, and were named as co-authors of the publication because of those contributions. Dr. Babita Kumari was a co-worker and her contribution was primarily towards isolation of strains of *Streptomyces* sp 201. Dr. Monojbjyoti Bordoloi was a co-worker and was responsible for structure elucidation of the molecule. Dr. Monoj Kanti Roy was a co-worker and assisted in development of the product. Dr. Tarun Chandra Bora was the principal investigator of the working group and also supervised the research group and provided both intellectual input as well as financial and logistical support for the research and was also the supervisor of Dr. Gajendra Nath Bordoloi of the Ph.D. work based on the present invention.
7. Co-authors Arijit Guha and RNS Yadav were technical staff and provided non-scientific technical service. More specifically, Arijit Guha did not provide any intellectual contribution towards the invention or research work. Dr. R. N. S. Yadav was involved again towards technical support in his official capacity and did not provide any intellectual input into the project on which the invention of the present application is based.

8. The novel antifungal antibacterial compound 2-methylheptylisonicotinate, as shown in Figure 1 of Bordoloi *et al.*, was the invention of ~~Babita Kumari, Mandarajit Bordoloi, MK Roy, Tarun C. Bora~~ ^{Arijit Guha & RNS YADAV} [name inventors] and [name authors not listed as inventors] did not, therefore contribute to the conception of any of the presently claimed subject matter of the instant application.

11. I further declare that all statements herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the present application or any patent issuing thereon.

Dated: 05.04.2004

Gojendra Nath Bordoloi
Gojendra Nath Bordoloi

Serial No.: 10/027,913
Group Art Unit: 1651

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